

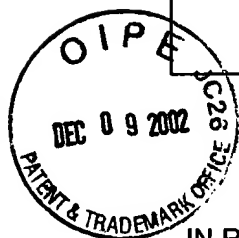
**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

*ANDREA DeCecchis*  
Type or print name

*Andrea DeCecchis*  
Signature

*12/3/02*  
Date



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

DAVID GEORGE LEPPARD ET AL.

APPLICATION NO: 09/856,769

FILED: MAY 24, 2001

FOR: PROCESS FOR THE PREPARATION OF

ACYLPHOSPHINES, ACYL OXIDES AND

ACYL SULFIDES

Group Art Unit:

Examiner:

Assistant Commissioner for Patents

Washington, D.C. 20231

**RENEWED PETITION UNDER RULE 1.47(a)**

Dear Sir:

Applicants request in a second petition that the USPTO permit acceptance of application filed by the other inventors in the above-identified patent application on behalf of an inventor that refuses to sign a declaration and power of attorney. The first petition was dismissed without prejudice on May 10, 2001. The deadline for submitting a Renewed Petition was set for July 10, 2002. This Renewed Petition is being submitted within 5 months of the due date. A petition for a five-month extension is enclosed.

The named inventors are David George Leppard, Eugen Eichenger, Rene Kaeser, Gebhard Hug, and Urs Schwendimann. All of the named inventors have signed the declaration and power of attorney, except for Rene Kaeser.

The Commissioner is authorized to charge any fee due, or credit any overcharge, as a result of this Renewed Petition to Deposit Account No. 03-1935.

The last known address of the non-signing inventor is:

Stadtgasse 2  
1718 Rechthalten  
Switzerland

Applicants previous petition was denied for failing to provide adequate first-hand knowledge that a bona-fide attempt had been made to supply the non-signing inventor with a complete copy of an application along with a refusal to sign an accompanying declaration.

Applicants enclose a Declaration, dated 26 November 2002 and a related letter (with translation) of November 22, 2002. Mr. Wittlin states that a copy of the application along with a preliminary amendment was provided to the inventor under cover of a registered letter dated November 22, 2002. Mr. Wittlin further states that the non-signing inventor informed Mr. Wittlin by telephone that he would not sign the supporting documentation required for the patent application. The stated reason for not signing the declaration is that the inventor was no longer an employee of the company.

Applicants submit that proof has been submitted that an inventor refuses to join in this application and has been provided with a copy of the application. The requisite facts and background are supported by an accompanying Declaration. Applicants further submit that a declaration has been submitted in response to a Notice of Missing Parts in which all of the named inventors, but for Kaeser, have signed. For these reasons, Applicants request that this petition under 37 CFR 1.47(a) be granted and the application be forwarded for prosecution on the merits.

Respectfully submitted,



David R. Crichton  
Attorney for Applicants  
Reg. No. 37,300

Ciba Specialty  
Chemicals Corporation  
540 White Plains Road  
P.O. Box 2005  
Tarrytown, New York 10591-9005  
Tel: (914) 785-7124  
Fax: (914) 785-7102  
Encl.: Declaration and Letter of November 22, 2002 (with translation)

I, Hans-Peter Wittlin, Patent Administrator of Malzgasse 23, 4052 Basel, Switzerland, do hereby declare that I am conversant with the German and English languages and I further certify that to the best of my knowledge and belief the foregoing is a true and correct translation into the English language made by me of the

registered letter of 22<sup>nd</sup> November 2002 by Ciba Specialty Chemicals Holding Inc. to René Kaeser in Rechthalten re US Patent Application No. 09/856,769 – co-inventor Kaeser's signatures. The original of the Letter Receipt issued by the Swiss Post Office is herewith enclosed.

Dated this 26<sup>th</sup> day of November 2002

A handwritten signature in black ink, appearing to read 'H. Wittlin', written in a cursive style.





Hans-Peter Wittlin

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Pour plus de détails au sujet de la responsabilité, il y a lieu de s'adresser aux offices de poste.

**Osservazioni**

Per i colis signature/colis assurance senza valore dichiarato sono rilasciate ricevute solo su richiesta del mittente e solo se viene pagata una tassa di 20 ct. I duplicati di ricevute per invii iscritti d'ogni genere soggiacciono pure a una tassa di 20 ct. In compenso, le ricevute e i duplicati di ricevute preparati dal mittente sono esenti da tassa. Se le ricevute sono chieste posticipatamente, la tassa è di 1 fr. Quando per rilasciare un duplicato della ricevuta occorrono lunghe ricerche nei registri, è inoltre riscossa la tassa per le ricerche.

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Gli uffici postali forniscono più ampie informazioni in merito.

**Group Service**  
**Law & Environment**  
Patents & Scientific Information

Hans-Peter Wittlin  
LE 5.6/HPW - K-25.3.03  
E-mail: hans-peter.wittlin@cibasc.com

**Ciba**



Mr René Kaeser  
Stadtgasse 2  
1718 Rechthalten

## REGISTERED LETTER

November 22, 2002

### Case A-21884/A

Entry into the national phase in the USA of International Application  
No. PCT/EP 99/08968 (US Patent Application No. 09/856,769)

Dear Mr Kaeser,

Following our telephone conversation of today's date we are sending you enclosed once more a complete specification of the above patent application as on file with the US Patent Office (including the 28 claims after the so-called "preliminary amendment"). Enclosed thereto are the declaration and assignment documents which need still to be signed by you.

Today, you have once more explained that you are not willing to sign the mentioned documents, because since January 1, 1997 you are no longer employee of our company.

Ciba Specialty Chemicals Holding Inc.

signed Hans-Peter Wittlin  
Patent Administrator

Encls.

**Group Service**  
**Law & Environment**  
Patents & Scientific Information

Hans-Peter Wittlin  
LE 5.6/HPW - K-25.3.03  
E-mail: hans-peter.wittlin@cibasc.com

**Ciba**



Mr René Kaeser  
Stadtgasse 2  
1718 Rechthalten

## EINSCHREIBEN

22. November 2002

### Case A-21884/A

**Eintritt in die nationale Phase in den USA der Internationalen Anmeldung  
No. PCT/EP 99/08968 (US Patentanmeldung No. 09/856,769)**

Sehr geehrter Herr Kaeser,

Im Nachgang zum heutigen Telefongespräch senden wir Ihnen beiliegend nochmals eine komplette Beschreibung der obigen Patentanmeldung, so wie sie beim US-Patentamt eingereicht wurde (enthaltend die 28 Patentansprüche nach den sog. "vorläufigen Änderungen". Ebenfalls beigefügt sind die Dokumente "Declaration" und "Assignment" welche immer noch durch Sie zu unterzeichnen sind.

Sie haben heute erneut erklärt, dass Sie die genannten Dokumente nicht unterzeichnen wollen, da Sie seit 1. Januar 1997 nicht mehr im Dienste unserer Firma stehen.

Mit freundlichen Grüßen  
Ciba Specialty Chemicals Holding Inc.

Hans-Peter Wittlin  
Patent Administrator

### Beilagen



CASE A-21884/A/PCT

**CERTIFICATE OF MAILING**

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\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

Group Art Unit:

DAVID GEORGE LEPPARD ET AL

Examiner:

APPLICATION NO: 09/856,769

FILED: MAY 24, 2001

FOR: PROCESS FOR THE PREPARATION OF  
ACYLPHOSPHINES, ACYL OXIDES AND  
ACYL SULFIDES

Assistant Commissioner for Patents

Washington, D.C. 20231

**DECLARATION**

1. I hereby make the following declaration concerning further steps the applicant has taken in order to obtain the signature of René Kaeser on the declaration and power of attorney for pending U.S. application No. 09/856,769 (Ciba Reference A-21884/A/PCT).

2. The application and declaration document was once more posted to René Kaeser's home address under cover of a registered letter of November 22, 2002, which requested that he sign and date the document and return it to us.

3. On even date (November 22, 2002) on the occasion of a telephone call informing René Kaeser of the content of this letter, René Kaeser said once more that he would not sign the document, despite the fact that Ciba employed him at the time of making the invention, and that the invention was made in the ordinary course of his employment, because since January 1<sup>st</sup>, 1997, he is no longer employee of Ciba.

4. So far, all attempts to obtain the signature of René Kaeser were fruitless and René Kaeser still refuses to sign the declaration and power of attorney document.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Signed, this 26<sup>th</sup> day of November, 2002



Hans-Peter Wittlin  
Patent Administrator